

1 HONORABLE JAMES L. ROBART
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 MICROSOFT CORPORATION,

11 Plaintiff,

12 v.

13 MOTOROLA, INC., et al.,

14 Defendants.

15 No. C10-1823-JLR

16 **REDACTED**

17 DECLARATION OF CHRISTOPHER T.
18 WION IN SUPPORT OF
19 MICROSOFT'S MOTION FOR
20 PARTIAL SUMMARY JUDGMENT
21 DISMISSING MOTOROLA'S CLAIM
22 FOR INJUNCTIVE RELIEF

23 **NOTED: Friday, January 6, 2012**

24 MOTOROLA MOBILITY, INC., et al.,

25 Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

I, Christopher T. Wion, hereby declare as follows:

1. I am an attorney at the law firm of Danielson Harrigan Leyh & Tollefson LLP,
counsel for Microsoft Corporation in the above-captioned matter, and have personal
knowledge of the facts stated herein.

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REDACTED - DECLARATION OF
CHRISTOPHER T. WION IN SUPPORT OF
MICROSOFT'S MOTION FOR PARTIAL
SUMMARY JUDGMENT DISMISSING
MOTOROLA'S CLAIM FOR INJUNCTIVE
RELIEF - 1

LAW OFFICES
DANIELSON HARRIGAN LEYH & TOLLEFSON LLP
999 THIRD AVENUE, SUITE 4400
SEATTLE, WASHINGTON 98104
TEL. (206) 623-1700 FAX. (206) 623-8717

1 2. Attached hereto as Exhibit 1 is a true and correct copy of the Guidelines for
2 Implementation of the Common Patent Policy for ITU-T/ITU-R/ISO/IEC, dated March 1,
3 2007, that was downloaded from the ITU website (<http://www.itu.int>) at my direction and
4 previously submitted as Exhibit 3 to my August 18, 2011 Declaration (Dkt. No. 79).

5 3. Attached hereto as Exhibit 2 are true and correct copies of various Patent
6 Statements and Licensing Declarations submitted by Motorola to the ITU relating to the H.264
7 standard, produced by Motorola in the above-captioned matter, and previously submitted as
8 Exhibit 4 to my August 18, 2011 Declaration (Dkt. No. 79).

9 4. Attached hereto as Exhibit 3 is a true and correct copy of a letter with enclosure
10 from Kirk Dailey, Corporate Vice President of Intellectual Property for Motorola, to Horacio
11 E. Gutierrez, Corporate Vice President and Deputy General Counsel for Microsoft, dated
12 October 29, 2010, and previously submitted by Motorola as Exhibit 1 to the December 15,
13 2010 Declaration of Norman H. Beamer (Dkt. No. 37).

14 5. On November 10, 2010 Motorola Mobility, Inc., and General Instrument
15 Corporation filed suit against Microsoft in the United States District Court for the Western
16 District of Wisconsin (*Motorola Mobility, Inc. and General Instrument Corp. v. Microsoft*
17 *Corp.*, Case Number 10-cv-699) (the “Wisconsin Action”). Attached hereto as Exhibit 4 is a
18 true and correct copy of the Complaint for Patent Infringement filed on November 10, 2010, in
19 the Wisconsin Action, obtained from the Public Access to Court Electronic Records (PACER)
20 Electronic Filing (ECF) website.

21 6. The Wisconsin Action was transferred to the Western District of Washington on
22 February 18, 2011 and consolidated with the above-captioned action for all purposes on June 1,
23 2011. See Dkt. Nos. 49 and 66.

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RELIEF - 2

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SEATTLE, WASHINGTON 98104
TEL. (206) 623-1700 FAX. (206) 623-8717

7. Attached hereto as Exhibit 5 is a true and correct copy of the

REDACTED

produced by Motorola in the above-captioned matter.

8. Attached hereto as Exhibit 6 is a true and correct copy of the

REDACTED

produced by Motorola in the above-captioned matter.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 15th day of December, 2011, at Seattle, Washington.

Christopher T. Wion
CHRISTOPHER T. WION

CHRISTOPHER T. WION

**REDACTED - DECLARATION OF
CHRISTOPHER T. WION IN SUPPORT OF
MICROSOFT'S MOTION FOR PARTIAL
SUMMARY JUDGMENT DISMISSING
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RELIEF - 3**

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DANIELSON HARRIGAN LEYH & TOLLEFSON LLP
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SEATTLE, WASHINGTON 98104
TEL., (206) 623-1700 FAX, (206) 623-8717

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2 **CERTIFICATE OF SERVICE**
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4 I hereby certify that on December 15, 2011, I electronically filed the foregoing
5 document with the Clerk of the Court using the CM/ECF system, which will send notification
6 of such filing to the following:
7

8 **Attorneys for Defendants Motorola Solutions, Inc., Motorola Mobility, Inc., and**
9 **General Instrument Corporation**

10 Philip S. McCune

11 Lynn M. Engle

12 Summit Law Group

13 Steven Pepe

14 Jesse J. Jenner

15 Norman Beamer

16 Paul M. Schoenhard

17 Ropes & Gray

18 
19 LINDA BLEDSOE
20

21 REDACTED - DECLARATION OF
22 CHRISTOPHER T. WION IN SUPPORT OF
23 MICROSOFT'S MOTION FOR PARTIAL
24 SUMMARY JUDGMENT DISMISSING
25 MOTOROLA'S CLAIM FOR INJUNCTIVE
 RELIEF - 4

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SEATTLE, WASHINGTON 98104
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